

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
(14) JOHN WILSON)
Defendant)
Criminal No.: 19-10080-NMG

**GOVERNMENT'S CORRECTED MOTION FOR LEAVE TO FILE A SUR-REPLY IN
OPPOSITION TO DEFENDANT JOHN WILSON'S AMENDED REPLY (Dkt. 1571)¹**

The government respectfully seeks leave to file a brief sur-reply, not to exceed 5 pages, to address the 150 new exhibits included with defendant John Wilson's amended reply to his motion for relief based on the search of his email account.

As grounds for the motion, the government notes that the Court directed Wilson either to produce to the government, by October 23, 2020, the *ex parte* materials he had previously filed in support of his motion, or to submit a revised declaration of his counsel. Dkt. 1534 at 2. The Court directed the government to respond to Wilson’s submission by October 30, 2020. *Id.*

Wilson submitted a revised declaration of his counsel on October 23 that identified three emails he contended were improperly seized, but declined to identify additional emails, purportedly “to minimize the disclosure to the government.” *See, e.g.*, Kendall Decl. at ¶¶ 11–13, 15, & 19. The government filed its response on October 30, 2020, and explained how the documents Wilson cited were not improperly seized.

Wilson has now filed a revised reply brief, along with over 150 new exhibits. While the Court granted Wilson's request to file a revised reply brief with a "sampling" of additional exhibits,

¹ This amends the government's Motion for Leave to File a Sur-Reply in Opposition, *see* Dkt. 1588.

Motion allowed. *SMG*, USDJ 11/13/20